STATE OF TEXAS OFFICE OF THE GOVERNOR

RICK PERRY GOVERNOR

May 29, 2009

9 MAY 29 P7:30

Mrs. Patsy Spaw Secretary of the Senate Texas Senate State Capitol Room 2E.22 Austin, Texas 78701

Dear Madame Secretary:

Pursuant to his powers as governor and chief executive officer of the state of Texas, Governor Rick Perry has reviewed the following legislation in accordance with Article IV, Section 14 of the Texas Constitution and has disapproved and thereby vetoed the following:

Senate Bill No. 2038 by Duncan relating to the construction of nonsubstantive codifications and revisions of statutes.

The Governor hereby issues the attached message to the members of the Legislature concerning this piece of legislation. The original enrolled Senate Bill No. 2038 is attached to this letter of transmittal and is returned to your custody by this transmittal.

Respectfully submitted,

Gregory S. Davidson

Executive Clerk to the Governor

GSD/gsd

Attachments

P. O. Box 12131 . Capitel Station . Austin, Texas 78711



OFFICIAL MEMORANDUM STATE OF TEXAS OFFICE OF THE GOVERNOR

MESSAGE

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIRST TEXAS LEGISLATURE, REGULAR SESSION:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove and veto Senate Bill No. 2038 of the 81st Texas Legislature, Regular Session, due to the following objections:

The plain words of a statute are the starting point for interpreting the law. Senate Bill No. 2038 would eliminate this fundamental principle. Citizens, judges and lawyers may debate the proper interpretation and application of those words but they may not debate what those words are. Senate Bill No. 2038 would abandon that basic and necessary premise. The reliability of the language found in the Texas codes would be subject to second guessing. Judges would no longer be able to apply the law simply by looking at its plain text. Senate Bill No. 2038 would likely result in an increase in litigation as lawyers would challenge the plain meaning of Texas statutes and compel courts to look to repealed codes and former session laws to determine what is Texas law.

The codification and revision process was established to make Texas law more accessible. Senate Bill No. 2038 would undermine the very purpose of the codification process by forcing both practitioners and ordinary citizens to locate and research old versions of our laws in order to determine if the current Texas codes really mean what they say.

Similar legislation, House Bill No. 2809, was vetoed in 2001. The concerns that existed then still exist today. Determining our state's laws should not be a burdensome process; Texans should be able to determine what our law says by simply reading the codes.

Since you remain gathered in regular session and continue to conduct formal business, I am delivering this disapproval message directly to you along with the official enrolled copy of the bill.

RECLIVED
SECRETARY OF SENATE
9 MAY 29 P7:30

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 29th day of May, 2009.

Governor of Texas

Attested by:

ESPERANZA "HOPE" ANDRADE

Secretary of State

President of the Senate I hereby certify that S.B. No. 2038 passed to	
April 30, 2009, by the following vote: Yeas 30, Nays Secretary of I hereby certify that 5.B. No. 2038 passed	Law the Senate
May 14, 2009, by the following vote: Yeas 147,	Nays 0, one
present not voting.	1
Chief Clerk of	tine Hodge
Approved:	
Date	
Governor	
SECRETARY OF SEMATE 9 MAY 29 P7:31	

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